UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,301	12/12/2001	Matthias Stefan Bierbrauer	DE920000115US1	5600

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EXAMINER
PARTHASARATHY, PRAMILA

ART UNIT	PAPER NUMBER
2136	

DATE MAILED: 05/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>03 March 2006</u>.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _____ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-7</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   In view of the Pre-Appeal Brief request filed on 9/28/2005, PROSECUTION IS

HEREBY REOPENED. Applicant's arguments with respect to claims 1 – 7 have been

considered but are moot in view of the new ground(s) of rejection as set forth below.

Response to Remarks/Arguments

2.   Applicant's arguments with respect to claims 1 – 7 have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1 – 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Martin et al. (U.S. Patent Number 6,029,178).

4.   Regarding Claim 1, Martin discloses

providing customized code for execution during the off-loading process (Column

17 line 43 – Column 19 line 49); and

invoking the customized code when an off-loading request is issued relative to a

document in the document processing system synchronously to the off-loading process

(Column 17 line 43 – Column 19 line 49).

Martin discloses a Enterprise data movement (EDM) system wherein during the

execution of a load and data movement (off-load) operations are carried out at the same

time (synchronously). EDM creates an archive of the changed record and logs these

changes as change records to the EDM log. EDM provides process to intercept

changes as they are made to the database log and logs the changes in EDM log. An

environmental change capture routine (ECCR) provides the changed data to one or

more logs and an archive log at the same time a read task routine is invoked when the

target requests to be updated. If a request begins on the archive log, the read task

processes all archive logs. Martin further discloses that these routines are preferably

configured as plug-ins (customized code) to the interface component and are

responsible for actually capturing the changed data, at the same time these ECCR

routines are easily incorporated into the common code.

Martin, in the background of the invention explicitly teaches that "Customized

code is specific to a single application or DBMS environment. Such solutions

(customized code) are generally economical and are geared toward providing exactly

what is needed. Customized tools are available and sometimes they are third-party

tools with extraction/transformation capabilities". Therefore, It would be obvious to one

of ordinary skill in the art to motivate to combine the invention of Martin with customized

code for providing dynamic (synchronous) approach to off-loading.

Examiner suggests applicant to amend the claims in a manner to distinct

applicant's invention with prior art with *attention* given to the specification page 4 line

15 – page 5 line 25.

5.   Regarding Claim 7, Martin discloses

means for providing customized code for execution during the off-loading

process (Column 17 line 43 – Column 19 line 49); and

means for invoking the customized code when an off-loading request is issued

relative to a document in the document processing system synchronously to the off-

loading process (Column 17 line 43 – Column 19 line 49).

Martin discloses a Enterprise data movement (EDM) system wherein during the

execution of a load and data movement (off-load) operations are carried out at the same

time (synchronously). EDM creates an archive of the changed record and logs these

changes as change records to the EDM log. EDM provides process to intercept

changes as they are made to the database log and logs the changes in EDM log. An

environmental change capture routine (ECCR) provides the changed data to one or

more logs and an archive log at the same time a read task routine is invoked when the target requests to be updated. If a request begins on the archive log, the read task processes all archive logs. Martin further discloses that these routines are preferably configured as plug-ins (customized code) to the interface component and are responsible for actually capturing the changed data, at the same time these ECCR routines are easily incorporated into the common code.

Martin, in the background of the invention explicitly teaches that "Customized code is specific to a single application or DBMS environment. Such solutions (customized code) are generally economical and are geared toward providing exactly what is needed. Customized tools are available and sometimes they are third-party tools with extraction/transformation capabilities". Therefore, It would be obvious to one of ordinary skill in the art to motivate to combine the invention of Martin with customized code for providing dynamic (synchronous) approach to off-loading.

Examiner suggests applicant to amend the claims in a manner to distinct applicant's invention with prior art with *attention* given to the specification page 4 line 15 – page 5 line 25.

6.   Claim 2 is rejected as applied about in rejecting Claim 1. Furthermore, Martin discloses wherein the customized code is invoked synchronously to process the document before the document has been off-loaded from the document processing system (Column 17 lines 43 – 58).

7.   Claim 3 is rejected as applied about in rejecting Claim 1. Furthermore, Martin

discloses wherein the customized code is invoked synchronously to process the

document after the document has been off-loaded from the document processing

system (Column 18 line 31 – 58).

8.   Claim 4 is rejected as applied about in rejecting Claim 1. Furthermore, Martin

discloses wherein the customized code forms an agent, the agent being invoked via a

plug-in interface to the document processing system (Column 18 line 61 – Column 19

line 3).

9.   Claim 5 is rejected as applied about in rejecting Claim 1. Furthermore, Martin

discloses wherein the customized code runs inside a plug-in architecture (Column 18

line 61 – Column 19 line 3).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claim 6 is rejected under 35 U.S.C. 102(e) as being anticipated by Martin et al. (U.S. Patent 6,029,178).

11. Regarding Claim 6, Martin discloses

selecting a document resident in the document processing system for archiving (Column 17 line 43 – Column 18 line 30);

creating an archiving request for the selected document to an archiving engine associated with the document processing system (Column 17 line 43 – Column 18 line 30);

invoking a pre-archiving agent, if any, on the selected document (Column 18 line 31 – Column 19 line 49);

when the pre-archiving agent is finished archiving the selected document (Column 18 line 31 – Column 19 line 49);

involving a post-archiving agent, if any, on the archived document (Column 17 line 43 – Column 19 line 49); and

when the post-archiving agent is finished, marking archived document as 'archived' (Column 18 lines 17 – Column 19 line 49).
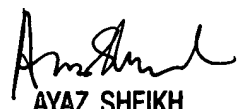
12. Applicant is urged to consider the references. However, the references should be evaluated by what they suggest to one versed in the art, rather than by their specific disclosure. If applicants are aware of any better prior art than those are cited, they are required to bring the prior art to the attention of the examiner.

Furthermore, Examiner suggests applicant to amend the claims in a manner to distinct applicant's invention with prior art with *attention* given to the specification page 4 line 15 – page 5 line 25.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pramila Parthasarathy whose telephone number is 571-272-3866. The examiner can normally be reached on 8:00a.m. To 5:00p.m.. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-232-3795. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pramila Parthasarathy
May 17, 2006.

AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
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